

APPEAL NO. 010093

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on December 20, 2000. With regard to the issues before her, the hearing officer found that the respondent (claimant) sustained a compensable injury in the form of an occupational disease (bilateral carpal tunnel syndrome (BCTS)) on \_\_\_\_\_, which resulted in disability, and that the claimant reported the injury to her employer timely. The appellant (carrier) appealed, contending that there was insufficient evidence of repetitive trauma and that the claimant's BCTS was an ordinary disease of life. The claimant urges affirmance.

DECISION

Affirmed.

The carrier asserts that there is insufficient evidence to support the factual findings made by the hearing officer as well as the conclusions of law from which they are based. Specifically, the carrier contends that the hearing officer erred in making the following findings of fact: that the date that the claimant knew or should have known that her BCTS may be related to her repetitive work activities was \_\_\_\_\_; that on \_\_\_\_\_, as a result of the repetitive work activities involved as a customer service representative, the claimant sustained BCTS; that on \_\_\_\_\_, the claimant reported her injury to her employer; and that the claimant sustained disability as a result of the BCTS.

Section 401.011(34) defines occupational disease as including repetitive trauma injuries. The date of injury for an occupational disease is the date the employee knew or should have known that the disease may be related to the employment. Section 408.007. The date of injury, when the claimant knew or should have known that the BCTS may be related to the employment, is generally a question of fact for the hearing officer to resolve. It was the hearing officer's prerogative to believe all, part, or none of the testimony of any witness, including that of the claimant. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). The hearing officer's determination that the date of injury was \_\_\_\_\_, and that the claimant reported the injury to her employer timely is supported by the evidence. Similarly, whether the claimant's activities were sufficiently repetitive to cause the BCTS and whether the BCTS rendered the claimant unable to obtain or retain employment at her preinjury wage were also factual determinations for the hearing officer to resolve. The hearing officer found for the claimant on these disputed issues and such findings are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

Accordingly, the hearing officer's decision and order are affirmed.

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Robert E. Lang  
Appeals Panel  
Manager/Judge